

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-2, 4-17, 19-22 and 24-28 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 4-7, 12, 15-17, 19, 21-22, 24 and 26-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Finn et al. (US-5940002).

a. *Referring to claim 1, 16 and 21:*

Regarding claim 1 and similar claims 16 and 21, Finn teaches a method for remotely controlling and/or regulating at least one system, comprising: in particular an industrial system, generating a validation code having a limited period of validity, the validation code being variably generated to be valid only once for a communication to be dispatched (Col 3, Line 1-23 and Col 4, Line 14-25... generating random number validation code, valid only once and for a limited period of validity (one month)), adding validity information to the validation code, which validity information defines the limited period of validity of the validation code (Col 3, Line 1-23... validation code with validity information such as being valid for one time use within a period of one month), combining information relating to the system and the validation code in accordance with a first

combination rule (Col 2, Line 55-67.... Combining the command signal (bearing information about the system such as information to unlock the system) and the random number validation code) ,

dispatching the communication by the communication device assigned to the system, [-] the communication comprising the information relating to the system, the validation code, and the validity information, wherein the information relating to the system and the validation code are combined in accordance with a first combination rule (Col 2, Line 55-67... combining the command signal, the validation code (random number) bearing the validity information (to be used once in a month period) and transmitting the combined signal to the system), and processing a message which the communication device receives after the communication has been dispatched (Col 3, Line 24-40), the processing comprising:

extracting a check code from the message extracted according to a first extraction rule (Col 3, Line 27-32.... Extracting the random number (check code) from the transmission), checking whether the message originates from a receiver of the communication based on the validation code and the check code (Col 3, Line 33-34... comparing the extracted random number (check code) with initial stored random number (validation code) to check the authenticity of the transmission) , and

if the checking is successful, extracting [[an]] instruction information according to the first extraction rule from the message and implementing the instruction information by the system (Col 3, Line 35-38.... If checking is successful, executing the command information contained within the transmission)

a. Referring to claim 2, 17 and 22:

Regarding claim 2 and similar claims 17 and 22, Finn teaches the method as claimed in claim 1, wherein [[-]] the adding of the validity information to the validation code comprises appending or prefixing the validity information to the validation code (Col 3, Line 1-23.... random number that are valid only once for a define period of time such a one month (validity information)).

a. Referring to claim 4, 19 and 24:

Regarding claim 4 and similar claims 19 and 24, Finn teaches the method as claimed in claim 1, wherein the validation code is generated by a random number generator (See the rejection in claim 1... validation code = random numbers generated by a random number generator).

a. Referring to claim 5:

Regarding claim 5, Finn teaches the method as claimed in claim 1, wherein the validity information is directly added to the validation code (See the rejection in claims 2), in the dispatching, the validation code is transmitted in an encrypted form (Col 2, Line 55-67... encrypted transmission), and after a decryption of the message or check code in the communications device, making the validity information [[is]] available in plain text, wherein and the validity information is not stored in the communication device (Col 3, Line 24-40... decryption of encrypted transmission to recover validation code with validity information).

a. Referring to claim 6:

Regarding claim 6, Finn teaches the method as claimed in claim 1, comprising [[-]] encrypting the validation code before the combination in accordance with the [[a]] first combination rule (Col 2, Line 55-6-... encryption of the validation code).

a. Referring to claim 7:

Regarding claim 7, Finn teaches the method as claimed in claim 1, [[-]] comprising transmitting the check code in encrypted form (Col 2, Line 55-67.... transmitting the encrypted signal comprising the check code).

a. Referring to claim 12:

Regarding claim 12, Finn teaches the method as claimed in claim 1, wherein the communication and/or message are encrypted (Col 2, Line 55-67).

a. Referring to claim 15:

Regarding claim 15, Finn teaches the method as claimed in claim 1, comprising: storing, when the communication is dispatched, a copy of the validation code so that the validation code is available for the checking when [[a]] the message is received later, the validity information is stored together with the validation code (Col 3, Line 32-34.... random number (validation code) stored in memory module for validating the received validation code).

a. Referring to claim 26, 27 and 28:

Regarding claim 26 and similar claims 27 and 28, Finn teaches the method as claimed in claim 1, wherein the at least one system comprises an industrial system (Col 2, Line 13-17.... trunk or door system of a vehicle).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8-11, 14, 20 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finn et al. (US-5940002, and further in view of Hanna et al (WO 01/72012).

a. Referring to claim 8, 20 and 25:

Regarding claim 8 and similar claims 20 and 25, Finn teaches the method as claimed in claim 1 comprising a dispatcher transmitting an encrypted transmission comprising a control message and a validation code with validity information to a system. Decrypting, extracting and validating the validation code before running the instruction contained in the command message. (See Claim 1).

Finn does not teach additional information (dispatcher information) added to the encrypted transmission sent to the signal.

However, Hanna teaches a method of controlling/regulating a system wherein a dispatcher adds dispatcher information such as (passcode, manufacturer or device ID) to an encrypted transmission sent to a system to be used in authenticating the identity of the dispatcher (See Hanna, Page 10, Line 16-22).

Therefore, it would have been obvious to one of ordinary skill to add dispatcher/controller information identifying the device in the transmitted package and for the system to verify this information when it receives the transmission for the purpose of ensuring that the transmission originated from an authentic source and to protect the integrity of the system.

a. Referring to claim 9:

Regarding claim 9, the combination of Finn and Hanna teaches the method as claimed in claim 8, wherein the dispatcher information contains a secret password or a secret identification

number (See Hanna, Page 10, Line 16-22)

a. Referring to claim 10:

Regarding claim 10, Finn teaches the combination of Finn and Hanna teaches the method as claimed in claim 8, comprising transmitting the dispatcher in encrypted form (See Hanna, Page 10, Line 16-21 teaches encrypting the information).

a. Referring to claim 11:

Regarding claim 11, the combination of Finn and Hanna teaches the method as claimed in claim 8, comprising encrypting the dispatcher information before adding the dispatched information to the message in accordance with a third combination rule (See Hanna, Page 10, Line 16-21)

a. Referring to claim 14:

Regarding claim 14, the combination of Finn and Hanna teaches the method as claimed in claim 1, wherein the message is received via the Internet (See Hanna, Page 10, Line 5-11 teaches communication received over the internet).

6. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Finn et al. (US-5940002 and Hanna et al. (WO 01/72012), and further in view of Silen et al. (US-2002/0045442).

a. Referring to claim 13:

Regarding claim 13, the combination of Finn teaches the method as claimed in claim 1 wherein the communication is dispatched or received from one system to another (See Claim 1).

Finn does not teach communication and/or the message are dispatched and/or received by means of short message service.

However, Silen teaches a communication and/or the message are dispatched and/or received by means of short message service (See Silen, Abstract)

Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify Finn's means of dispatching and receiving control communications as a short message service as taught by Silen for the purpose of expanding the devices used in controlling the system such as the use of a mobile device from any location to control the system.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to IZUNNA OKEKE whose telephone number is (571)270-3854. The examiner can normally be reached on 9:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/I. O./
Examiner, Art Unit 2432

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